

HEALTH AND SAFETY CODE

§ 25503.5

(e) An administering agency shall submit to the office, along with its area plan, both of the following:

(1) The basic provisions of a plan to conduct onsite inspections of businesses subject to this chapter by either the administering agency or other designated entity. These inspections shall ensure compliance with this chapter and shall identify existing safety hazards that could cause or contribute to a release or suggest preventative measures designed to minimize the risk of the release of hazardous material into the workplace or environment. The requirements of this paragraph do not alter or affect the immunity provided a public entity pursuant to Section 818.6 of the Government Code.

(2) A plan to institute a data management system which will assist in the efficient access to and utilization of information collected under this chapter. This data management system shall be in operation within two years after the business plans are required to be submitted to the administering agency pursuant to Section 25505.

(f) The regulations adopted by the office pursuant to subdivision (a) shall include an optional model reporting form for business and area plans.

Added Stats 1985 ch 1167 § 1; Amended Stats 1986 ch 463 § 4, effective July 23, 1986.

Amendments:

1986 Amendment: (1) Amended subd (a) by (a) substituting "September 1, 1986" for "May 1, 1986"; and (b) adding the second sentence; (2) amended subd (b) by (a) adding "in the regulations" in the introductory clause; (b) substituting "and nature of the business, the proximity of the business to residential areas and other populations," for "of the business" in subd (b)(2); (c) deleting former subd (b)(4) which read: "(4) Include an optional model reporting form."; and (d) redesignating former subd (b)(5) to be subd (b)(4); (3) amended subd (c) by substituting (a) the second sentence for the former second sentence which read: "The area plans shall meet the standards prepared by the office pursuant to subdivision (a)."; (b) substituting the introductory clause for the former introductory clause which read: "They shall also include, at a minimum, provisions for all of the following:"; and (c) adding subd (c)(9); (4) amended subd (d) by (a) substituting "its proposed area plan, within 180 days after adoption of regulations by the office establishing" for "the proposed area plan, within 120 days after adoption of" in the first sentence of the first paragraph; and (b) adding the second paragraph; (5) substituted the colon for the semicolon at the end of the introductory clause of subd (e); (6) amended subd (e)(1) by (a) substituting "designated" for "appropriate" before "entity" at the end of the first sentence; (b) adding "that could cause or contribute to a release" after "safety hazards" in the second sentence; and (c) adding the third sentence; (7) added the second sentence of subd (e)(2); and (8) added subd (f).



§ 25503.5. Business plans for emergency response to release of hazardous material

(a) Any business, except as provided in subdivision (b), which handles a hazardous material or a mixture containing a hazardous material which has a quantity at any one time during the reporting year equal to, or greater than, a total weight of 500 pounds, or a total volume of 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, shall establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards in the regulations adopted pursuant to Section 25503.

(b) (1) Hazardous material contained solely in a consumer product for direct distribution to, and use by, the general public is exempt from the business plan requirements of this chapter unless the administering agency has found, and has provided notice to the business handling the product, that the handling of certain quantities of the product requires the submission of a business plan, or any portion thereof, in response to public health, safety, or environmental concerns.

(2) In addition to the authority specified in paragraph (4), the administering agency may, in exceptional circumstances, following notice and public hearing, exempt from the inventory provisions of this chapter any hazardous substance specified in subdivision (k) of Section 25501, if the administering agency finds that the hazardous substance would not pose a present or potential danger to the environment or to human health and safety if the hazardous substance was released into the environment. The administering agency shall specify in writing the basis for granting any exemption under this paragraph. The administering agency shall send a notice to the office within five days of the effective date of any exemption granted pursuant to this paragraph.

(3) The administering agency, upon application by a handler, may, exempt a handler under the conditions it deems proper from any portion of the business plan upon a written finding that the exemption would not pose a significant present or potential hazard to human health or safety or to the environment or affect the ability of the administering agency and emergency rescue personnel to effectively respond to the release of a hazardous material, and that there are unusual circumstances justifying this exemption. The administering agency shall specify in writing the basis for any exemption under this paragraph.

(4) The administering agency upon application by a handler may exempt a hazardous material from the inventory provisions of this chapter upon proof that the material does not pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or environment. The administering agency shall specify in writing the basis for any exemption under this paragraph.

(5) An administering agency shall exempt a business operating a farm for purposes of cultivating the soil or raising or harvesting any agricultural or horticultural commodity from filing the information in the business plan required by subdivisions (b) and (c) of Section 25504 if all of the following requirements are met:

(A) The handler annually provides the inventory of information required by Section 25509 to the county agricultural commissioner before January 1 of each year.

(B) Each building in which hazardous materials subject to this chapter are stored is posted with signs, in accordance with regulations which the office shall adopt, which provide notice of the storage of any of the following

- (i) Pesticides.
- (ii) Petroleum fuels and oil.
- (iii) Types of fertilizers.

(C) Each county agricultural commissioner forwards the inventory to the administering agency within 30 days after receiving the inventory.

(c) The administering agency shall provide all information obtained from completed inventory forms, upon request, to emergency rescue personnel on a 24-hour basis.

(d) The administering agency shall adopt procedures to provide for public input when approving any applications submitted pursuant to paragraph (3) or (4) of subdivision (b).

Added Stats 1985 ch 1167 § 1; Amended Stats 1986 ch 463 § 5, effective July 23, 1986.

Amendments:

1986 Amendment: (1) Substituted subd (a) for former subd (a) which read: "(a) Within the boundaries of each county and any city which has assumed responsibility for the implementation of this chapter pursuant to Section 25502, any business, except as provided in subdivision (b), which handles a hazardous material shall establish a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards adopted pursuant to Section 25503."; (2) substituted "for direct" for "direct for" before "distribution to" in subd (b)(1); (3) substituted subd (b)(2) for former subd (b)(2) which read: "(2) Any business handling less than 500 pounds, 55 gallons, or 200 cubic feet at standard temperature and pressure for compressed gas, in the aggregate at any one time in a month, of a product or formulation containing a hazardous material is exempt from the business plan requirements of this chapter unless the administering agency has found, and has provided notice to the business handling the product or formulation, that the weight or volume limits specified in this paragraph, are to be lowered for a specific hazardous material in response to public health, safety, or environmental concerns."; (4) amended subd (b)(3) by (a) adding "under the conditions it deems proper" after "exempt a handler"; (b) substituting "pose a significant present or potential hazard to human health or safety or to the environment or affect" for "effect" before "the ability"; and (c) adding the comma after "hazardous material"; (5) added subds (b)(5); (6) substituted subd (c) for former subd (c) which read: "(c) The administering agency shall require that all business plans have 24-hour availability to emergency rescue personnel. At the discretion of the administering agency or the emergency rescue personnel, copies of area plans and business plans, or portions thereof, may be maintained by the emergency rescue personnel for their use."; and (7) added subd (d).

§ 25503.7. Storage of hazardous substance in railroad car

(a) When any railroad car containing any hazardous material or hazardous substance remains within the same railroad facility or business facility for more than 30 days, or a business knows or has reason to know that any railroad car containing any hazardous material or hazardous substance will remain at the same railroad facility or business facility for more than 30 days, the hazardous material or hazardous substance is deemed stored at that location and subject to the requirements of this chapter.

(b) Notwithstanding Section 25510, a business handling hazardous materials or hazardous substances which are stored in a manner subject to subdivision (a) shall immediately notify the administering agency whenever a hazardous material or hazardous substance is stored in a railroad car.

Added Stats 1986 ch 909 § 1.

Amendments to inventory: § 25510.

§ 25504. Contents of business plans

Business plans shall include all of the following:

(a) The inventory of information required by Section 25509 and whatever additional information that the administering agency finds is necessary to protect the health and safety of persons, property, or the environment. Any such information is, however, subject to trade secret protection pursuant to Section 25511.

(b) Emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material, including, but not limited to, all of the following:

(1) Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.

(2) Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.

(3) Evacuation plans and procedures, including immediate notice, for the business site.

(c) Training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, familiarity with the plans and procedures specified in subdivision (b). These training programs may take into consideration the position of each employee.

(d) Any business required to file a pipeline operations contingency plan in accordance with the California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 3 of Division 1 of Title 5 of the Government Code) and the regulations of the Department of Transportation, found in Part 195 of Title 49 of the Code of Federal Regulations, may file a copy of those plans with the administering agency instead of filing an emergency response plan specified in subdivision (b).

(e) Any business operating a farm exempted by paragraph (5) of subdivision (b) of Section 25503.5 from filing the information specified in subdivisions (b) and (c), shall, notwithstanding this exemption, provide the training programs specified in subdivision (c).

Added Stats 1985 ch 1167 § 1; Amended Stats 1986 ch 463 § 6, effective July 23, 1986.

Amendments:

1986 Amendment: (1) Substituted subd (b)(1) for former subd (b)(1) which read: "(1) Immediate notification to appropriate local emergency rescue personnel and the office."; (2) deleted "and for the affected public" at the end of subd (b)(3); (3) added the second sentence of subd (c); and (4) added subds (d) and (e).

furnished by the City Clerk which shall include, but not be limited to, the following information when completed:

1. A list of both the chemical names and the common names of each hazardous substance, including major constituents or mixtures, which the business handles or intends to handle at, from, or through the site.
2. The average quantity and the maximum quantity of each identified hazardous substance that the business handles or intends to handle.
3. The name of each governmental agency which has regulatory powers to which the business is subject with respect to the release of hazardous substances into the air, water, sewer, private sewage disposal system or land and an identification of each permit received by the business from each such agency.
4. When deemed necessary by the Chief, a description of the mode of storage of each hazardous substance, a general description of how each hazardous substance is transported or handled at the business site and a designation and description, including a map or diagram acceptable to the Chief, showing where each hazardous substance is or will be located at the business site.

SEC. 57.08.07 AMENDMENTS TO THE HAZARDOUS SUBSTANCES INFORMATION FORM:

A business which has filed a Hazardous Substances Information Form shall file an amendment to the Form with the Department before:

- A. The business handles a hazardous substance not previously listed on the Form on file with the Department; or
- B. The business handles quantities of a hazardous substance which exceed the maximum quantities previously indicated on the Form on file with the Department; or
- C. There is a change in the mode or place of storage of hazardous substances from that indicated on the Form on file with the Department such that continued reliance on the information already contained in the Form on file could pose a threat to the environment or to the health or safety of individuals.

SEC. 57.08.08 SPECIAL INSPECTION:

In the event of an emergency, or if a business refuses or fails to timely disclose all required information required by Section 57.08.06 E, 1, 2, and 4, and by Section 57.08.07, the Chief may con-

duct a special inspection at a business site to obtain information deemed necessary by the Chief with respect to the existence and handling of hazardous substances as permitted by law.

SEC. 57.08.09 RECOVERY OF COSTS FOR SPECIAL INSPECTIONS:

A nuisance exists when a business handles a hazardous substance which has not been disclosed on a Hazardous Substances Information Form or as otherwise required by this Division. If a business is not in compliance and a special inspection is needed to obtain information required by this Division concerning hazardous substances handled by the business, the City, after due notice, may conduct such a special inspection and may thereafter recover the costs of said inspection, together with any administrative costs and the fee for issuance of a Certificate. These costs may be made a lien and special assessment against the parcel of land on which the business is located pursuant to the procedure set forth in Section 19.97 of the Los Angeles Administrative Code, but implementation of such an assessment procedure shall not be the exclusive remedy of the City for recovery of such costs.

SEC. 57.08.10 INSPECTION BY THE DEPARTMENT:

At the discretion of the Chief, inspections may be conducted for the purpose of determining compliance with this Division and to cause to be corrected any information which is discovered to be either different from information in the application for a Certificate or any amendment to the Hazardous Substances Information Form filed with the City, or inaccurate, concerning the handling of hazardous substances at a business site.

SEC. 57.08.11 CERTIFICATE AND FORM REQUIREMENTS:

- A. **Posting and Availability:** The original or a copy of the current Certificate issued to a business shall be posted in a conspicuous place at the business site. The original Certificate shall be maintained and available at all times at the business site for inspection by the Department.
- B. **Forms Maintained:** Copies of all Hazardous Substances Information Forms shall be maintained at the business site for a period of not less than three years and shall be made available to the Chief upon request.

SEC. 57.08.12 CLOSURE OF A BUSINESS:

Whenever a business which handles hazardous substances intends to cease, or ceases doing business at a location, the business shall immediately notify the Chief.